

EXHIBIT 15

STATE OF NORTH CAROLINA

File No.

17 crs 55874 et.al.

Forsyth County

In The General Court Of Justice
☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

Malik Patience Smith

DOB

06/08/2001

Age

18

Highest Level Of Education Completed

9th

TRANSCRIPT OF PLEA

G.S. 15A-1022, 15A-1022.1

NOTE: Use this section **ONLY** when the Court is rejecting the plea arrangement.

☐ The plea arrangement set forth within this transcript is hereby rejected and the clerk shall place this form in the case file. (Applies to plea arrangements disclosed on or after December 1, 2009.)

Date

Name Of Presiding Judge (type or print)

Signature Of Presiding Judge

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of ☒ guilty ☐ guilty pursuant to *Alford* decision ☐ no contest, and (3) offered the following answers to the questions set out below:

Answers

1. Are you able to hear and understand me? (1) yes
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you? (2) yes
3. At what grade level can you read and write? (3) 9
4. (a) Are you now using or consuming alcohol, drugs, narcotics, medicines, pills, or any other substances? (4a) no
 (b) When was the last time you used or consumed any such substance? (4b) 9 months
 (c) How long have you been using or consuming this medication or substance? (4c)
 (d) Do you believe your mind is clear, and do you understand what you are doing in this hearing? (4d) yes
5. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge? (5) yes
6. (a) Have you and your lawyer discussed the possible defenses, if any, to the charges? (6a) yes
 (b) Are you satisfied with your lawyer's legal services? (6b) yes
7. (a) Do you understand that you have the right to plead not guilty and be tried by a jury? (7a) yes
 (b) Do you understand that at such trial you have the right to confront and to cross examine witnesses against you? (7b) yes
 (c) Do you understand that by your plea(s) you give up these and other important constitutional rights to a jury trial? (7c) yes
8. Do you understand that, if you are not a citizen of the United States of America, your plea(s) of guilty or no contest may result in your deportation from this country, your exclusion from admission to this country, or the denial of your naturalization under federal law? (8) yes
- ☐ 9. Do you understand that upon conviction of a felony you may forfeit any State licensing privileges you have in the event that your probation is revoked? (9) yes
10. Do you understand that following a plea of guilty or no contest there are limitations on your right to appeal? (10) yes
11. Do you understand that your plea of guilty may impact how long biological evidence related to your case (for example, blood, hair, skin tissue) will be preserved? (11) yes

(Over)

12. Do you understand that you are pleading ☒ guilty ☐ guilty pursuant to Alford ☐ no contest to the (12) _____ yesG
charges shown below? (Describe charges, total maximum punishments, and applicable mandatory minimums for those charges.)

PLEAS									
✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	F/M	CL.	Maximum Punishment
	G	17crs55874	1	Possession stolen firearm	06-23-2017		F	H	39 m.
	G	17crs55874	2	CCV	06-23-2017		M	1	4 m. 60 days
	G	17crs55956	1	PWISD Cocaine	10-14-2017		F	H	39 m.
	G	17crs55956	2	PWISD Heroin	10-14-2017		F	H	39 m.
	G	17crs55956	3	CC G	10-14-2017		M	1	4 m. 60 days
	G	17crs55957	1	PWISD Sch. IV	10-14-2017		F	I	24 m. MPS
	G	17crs55957	2	PDP	10-14-2017		M	1	4 m.
	G	17crs55957	3	Poss.MJ up to 1/2 oz	10-14-2017		M	3	20 days MPS
	G	18crs50587 ✓	1	Poss Firearm on Educ. Property	01-20-2018		F	I	24 m.
	G	18crs50600 ✓	1	Assault by pointing gun	01-20-2018		M	A1	5 m.
	G	18 crs 50600 ✓	2	Poss.handgun by minor	01-20-2018		M	2	2 m.
	G	19crs55924	1	Poss.stolen Firearm			F	H	39 m

☐ See attached AOC-CR-300A, for additional charges.

*G = Guilty GA = Alford plea
NC = No Contest

TOTAL MAXIMUM PUNISHMENT

223 mo + 20 days MPS

MANDATORY MINIMUM FINES & SENTENCES (if any)

✓ NOTE TO CLERK: If this column is checked this is an added offense or reduced charge.

‡ NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

13. Do you now personally plead ☒ guilty ☐ guilty pursuant to Alford ☐ no contest to the charges I just described? (13) _____ yes

14. ☒ (a) Are you in fact guilty? (14a) _____ yes

☐ (b) (no contest plea) Do you understand that, upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty? (14b) _____

☐ (c) (Alford guilty plea)
(1) Do you now consider it to be in your best interest to plead guilty to the charges I just described? (14c1) _____
(2) Do you understand that, upon your "Alford guilty plea," you will be treated as being guilty whether or not you admit that you are in fact guilty? (14c2) _____

☐ 15. (Use if aggravating factors are listed below) Have you admitted the existence of the following aggravating factors: (15) _____

have you agreed that there is evidence to support these factors beyond a reasonable doubt, have you agreed that the Court may accept your admission to these factors, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these aggravating factors ☐ agree that the State has provided you with appropriate notice about these aggravating factors?

☐ 16. (Use if sentencing points are selected below) Have you admitted the existence of the following sentencing points not related to prior convictions: ☐ offense committed while on supervised or unsupervised probation, parole, or post-release supervision ☐ offense committed while serving a sentence of imprisonment ☐ offense committed while on escape from a correctional institution, have you agreed that there is evidence to support these points beyond a reasonable doubt, have you agreed that the Court may accept your admission to these points, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these sentencing points ☐ agree that the State has provided you with the appropriate notice about these sentencing points? (16) _____

☐ 17. (Use if No. 15 or 16 selected above) Do you understand that at a jury trial you have the right to have a jury determine the existence of any aggravating factors and any additional sentencing points not related to prior convictions that may apply to your case beyond a reasonable doubt, and that by your plea(s) you give up this constitutional right to a jury determination? (17) _____

18. Do you understand that you also have the right during a sentencing hearing to prove to the Court the existence of any mitigating factors that may apply to your case? (18) _____ yes


19. Do you understand that the courts have approved the practice of plea arrangements and you can discuss your plea arrangement with me without fearing my disapproval? (19) _____ yes

PLEA ADJUDICATION

Upon consideration of the record proper, evidence or factual presentation offered, answers of the defendant, statements of the lawyer for the defendant, and statements of the prosecutor, the undersigned finds that:

1. There is a factual basis for the entry of the plea (*and for the admission as to aggravating factors and/or sentencing points*);
2. The defendant is satisfied with his/her lawyer's legal services;
3. The defendant is competent to stand trial;
4. ☐ The State has provided the defendant with appropriate notice as to the aggravating factors and/or points; ☐ The defendant has waived notice as to the aggravating factors and/or points; and
5. The plea (*and admission*) is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea (*and admission*) is hereby accepted by the Court and is ordered recorded.

Date 04/04/2020	Name Of Presiding Judge (type or print) Richard S. Guttler	Signature Of Presiding Judge 
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SUPERIOR COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT

File No.	Count No.(s)	Offense(s)

DISTRICT COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT

File No.	Count No.(s)	Offense(s)

CERTIFICATION BY PROSECUTOR

The undersigned prosecutor enters a dismissal to the above charges pursuant to a plea arrangement shown on this Transcript Of Plea.

Date	Name Of Prosecutor (type or print)	Signature Of Prosecutor

STATE VERSUS

File No.

Name Of Defendant

20. Have you agreed to plead ☒ guilty ☐ guilty pursuant to *Alford* ☐ no contest as part of a plea arrangement? (if so, review the terms of the plea arrangement as listed in No. 21 below with the defendant.) (20) yes

21. The prosecutor, your lawyer and you have informed the Court that these are all the terms and conditions of your plea:

PLEA ARRANGEMENT

Charges will be consolidated into four consecutive Class H felony active sentences of six months each.

- ☐ The State dismisses the charge(s) set out on Page Two, Side Two, of this transcript.
- ☐ The defendant stipulates to restitution to the party(ies) in the amounts set out on "Restitution Worksheet, Notice And Order (Initial Sentencing)" (AOC-CR-611).

22. Is the plea arrangement as set forth within this transcript and as I have just described it to you correct as being your full plea arrangement? (22) yes

23. Do you now personally accept this arrangement? (23) yes

24. (Other than the plea arrangement between you and the prosecutor) has anyone promised you anything or threatened you in any way to cause you to enter this plea against your wishes? (24) no

25. Do you enter this plea of your own free will, and do you fully understand what you are doing? (25) yes

26. Do you agree that there are facts to support your plea ☐ and admission to aggravating factors ☐ and sentencing points not related to prior convictions, and do you consent to the Court hearing a summary of the evidence? (26) yes

27. Do you have any questions about what has just been said to you or about anything else connected to your case? (27) no

ACKNOWLEDGEMENT BY DEFENDANT

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. No one has told me to give false answers in order to have the Court accept my plea in this case. The terms and conditions of the plea as stated within this transcript, if any, are accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

04/09/2020

Date
4/9/2020

Signature

Signature Of Defendant

Malik Smith

☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

Name Of Defendant (type or print)

Malik Patience Smith

CERTIFICATION BY LAWYER FOR DEFENDANT

I hereby certify that the terms and conditions stated within this transcript, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charges to which the defendant is pleading, and the aggravating and mitigating factors and prior record points for sentencing, if any.

Date
04/09/2020Name Of Lawyer For Defendant (type or print)
William M. Speaks, Jr.

Signature Of Lawyer For Defendant

CERTIFICATION BY PROSECUTOR

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated within this transcript, if any, are the terms and conditions agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charges in this case.

Date
04/09/2020

Name Of Prosecutor (type or print)

Signature Of Prosecutor

Alison Lester

AOC-CR-300, Page Two, Rev. 5/18

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(Over)